



PATENT

Attorney Docket No. 6530.0095-02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of:)
Thomas O. BALES et al.)
Serial No.: 08/928,453) Group Art Unit: 3736
Filed: September 12, 1997) Examiner: Samuel Gilbert
For: RADIAL JAW BIOPSY FORCEPS)

TERMINAL DISCLAIMER

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Petitioner ("assignee") SYMBIOSIS CORPORATION, duly organized under the laws of the State of Florida and having its principal place of business at 8600 N.W. 41st Street, Miami, Florida 33166, through its attorneys, represents that it is the only assignee of the entire right, title and interest in and to the above-identified application, Serial No. 08/928,453, filed September 12, 1997, for RADIAL JAW BIOPSY FORCEPS, in the name of Thomas O. Bales, Charles R. Slater, and Kevin W. Smith, as indicated by assignment duly recorded in the United States Patent and Trademark Office at Reel 6019, Frame 0896 and is and at all times was the only assignee of: application Serial No. 07/837,046, filed February 18, 1992, and its resulting U.S. Patent No. 5,507,296, for RADIAL JAW BIOPSY FORCEPS, in the name of Thomas O. Bales, Charles R. Slater, and Kevin W. Smith, as indicated by assignment duly recorded in the

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United States Patent and Trademark Office at Reel 6046, Frame 0556; and application Serial No. 07/521,766, filed May 10, 1990, and its resulting U.S. Patent No. 5,133,727, for RADIAL JAW BIOPSY FORCEPS, in the name of Thomas O. Bales, Charles R. Slater, and Kevin W. Smith, as indicated by assignment duly recorded in the United States Patent and Trademark Office at Reel 6046, Frame 0556. Evidentiary documents have been reviewed and the undersigned certifies, to the best of his knowledge and belief, that title to the above-identified application and the United States Patent Nos. 5,507,296 and 5,133,727 are in assignee, which is submitting this Terminal Disclaimer.

To obviate a double patenting rejection, SYMBIOSIS CORPORATION hereby disclaims, under the provisions of 37 C.F.R. § 1.321, the terminal part of any patent granted on the above-identified application, Serial No. 08/928,453, which would extend beyond the expiration date of Patent Nos. 5,507,296 and 5,133,727 and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to United States Patent Nos. 5,507,296 and 5,133,727, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, Petitioner does not disclaim the terminal part of any patent granted on Application No. 08/928,453 that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of Patent Nos. 5,507,296 and 5,133,727 as presently shortened by any terminal disclaimer, in the event that either such patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily

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disclaimed in whole or in part, is terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term, as presently shortened by any terminal disclaimer, except for separation of legal title as stated above.

In accordance with the fee schedule set forth in 37 C.F.R. § 1.20(d), the required fee of \$110.00 is being filed with this disclaimer.

If a check for the required fee is not filed concurrently herewith or if there are any additional fees due in connection with the filing of this terminal disclaimer, please charge the fees to our Deposit Account No. 06-0916. If a fee is required for an extension of time under 37 C.F.R. 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

The undersigned is authorized to act on behalf of assignee SYMBIOSIS CORPORATION.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

By: _____


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Date: August 9, 1999

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